



**MINUTES OF THE GILA COUNTY
PLANNING AND ZONING COMMISSION**

Thursday, June 20, 2019

Gila County Board of Supervisors Conference Room

610 E. State Hwy 260, Payson, AZ

Gila County Community Development Conference Room

745 N. Rose Mofford Way, Globe, AZ

10:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 10:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Mary Lou Myers.
3. Roll Call: Michelle Dahlke called the roll; Chairman Mickie Nye (in Payson), Travis Holder (in Globe), Lori Brown (Absent), Bill Marshall (in Globe), Terry Otts (Absent), Randy Slapnicka (Absent), Mary Lou Myers (In Payson), Jim Muhr (in Payson) and Pamela Griffin (in Globe). A quorum is present.

Community Development Staff Members Present: Scott Buzan-Director, Michelle Dahlke-Senior Planner and Shealene Loya-Administrative Assistant.

4. Review and Approval of Minutes of the Planning and Zoning Commission Hearing on April 18, 2019. Mickie Nye asked if there were any changes needed. No changes were needed. Mrs. Myers motioned to approve the minutes as is and Mr. Muhr second the motion. It was unanimously approved.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Scott Buzan began his presentation by acknowledging that Jeff Dalton, who is the Deputy Gila County Attorney Civil Division Chief, was present in Globe and would be available to answer any legal questions the Commission might have.

Information/Discussion/Action:

6. **Madera Peak Estates, LLC:**
Preliminary Plat Extension for Madera Peak Estates Subdivision.

Mrs. Dahlke began by stating in December of 2018, the commission approved an extension on the plat for Madera Peak Estates subdivision and the applicant is requesting another extension. Staff has determined that it is in support of the second extension and recommends the Commission approve the extension.

Chairman Nye asked Mrs. Dahlke to contact the applicant, Mr. Landa, to find out what the County can do to assist him to further this process because it has been a year since the start of the process and he believes that Globe needs this subdivision created. Mrs. Dahlke stated that she would reach out to Mr. Landa to assist him.

Mrs. Myers motioned to approve the preliminary plat extension for Madera Peak Estates subdivision.

Mr. Holder second the motion.

The motion was unanimously approved.

Public Hearing:

7. **Z-19-01 Don Randall and Autumn Kinzer (Re-Hearing):**

The Planning & Zoning Commission will re-hear this application for the sole purpose of correcting an error made to the APN # associated with the property located at 168 West Hunt Ranch Road, Pine, Arizona 85544. The correct APN # is 301-32-002R. The applicant is requesting to amend the Gila County Zoning Map from Residence One District, Density District 175 (R1-D175) to Residence One District, Density District 70 (R1-D70).

Mrs. Dahlke stated that there was nothing new to add to this case as it is the same case that was presented at the April 18th meeting. Staffs recommendation to approve the rezoning remains the same as well.

No commissioners had any questions or concerns.

Mr. Marshall motioned to recommend approval of the rezoning Case No. Z-19-01.

Mr. Muhr second the motion.

The motion was unanimously approved with the stipulation that the applicant is required to acquire a minor land division.

8. **Z-19-02 Wayne and Darlene Gillow**

An application to amend the Gila County Zoning Map for APN # 301-08-232 currently designated for C2 (Commercial Two District) to R1-D12 (Residential One District, Density District 12), allowing the applicant to have a residential home on the property. This property is currently vacant land located in Strawberry, AZ.

Mrs. Dahlke began by explaining to the Commission that a Commercial Two District does not allow for a single-family residence, which is the reasoning for the request to rezone to Residential One District. The surrounding area is predominately residential with zoning and

land use designation that is compatible with the comprehensive plan. The subject property has a land use designation of multi-functional corridor which allows for a mixture of residential and commercial, which is common in many areas in Gila County such as the highway corridor. The use of the property would be compatible with the area that surrounds it and would not negatively affect the area. Therefore, staff recommends approval of the rezoning.

Chairman Nye asked the board to look at page 28 of the agenda packet and wanted clarification on what was located across the street to the north of the property.

Mrs. Myers clarified that across the street was vacant land that had been proposed to be a mobile home park in the past but was never developed due to raised concerns.

Mr. Buzan clarified as well that the property across the street was vacant land.

Mrs. Myers stated that she was familiar with the property and believes what the applicant is proposing to do with the property blends in with the surrounding area.

During Mr. Marshall's original motion, it was discovered that a typing error was made in the agenda packet on page 29, which stated "C3" zoning district instead of "C2".

Mr. Marshall stated another motion with the corrected zoning information to approve Case No. Z-19-02.

Mrs. Myers second the motion.

The motion unanimously passed.

9. **Z-19-03 Park Model Resorts**

An application to amend the Gila County Zoning Map for APN # 201-08-074E currently designated for GU (General Unclassified District) to GU (General Unclassified) with a T (Trailer District) overlay to allow for a park model development. This property is currently vacant land located in Tonto Basin, AZ.

Mrs. Dahlke began her presentation by explaining that the applicant's intention is to develop 130 to 145 spaces for recreational vehicles. She explained that the commission was provided with a conceptual layout of the spaces in their agenda packets. Although the applicants state that they are more focused on park model resort development, Mrs. Dahlke wanted to clarify the County's view on what an RV park is considered to be. Park models are one of ten types of recreational vehicles. The type of RV and how many of each type the developer describes to allow in the park is not the County's concern if the quantity doesn't exceed the number of spaces in the approved development plan. The rezoning application and development plan were processed as an RV park and not as a park model park. The County would also like to make clear that the Trailer District overlay does not

include the placement of manufactured homes. In the applicants' narrative, the end use of this facility will be permanent, semi-permanent and recreational living in new park model homes. The applicants also want to clarify that they agree with the Recreational Vehicle Industry Association records that state park models are designed to provide temporary accommodations for recreation, camping or seasonal use. The County is not going to give its consent to allow park models or any type of recreational vehicle to be used as a permanent residence. Enforcement of stay within the park is not the County's responsibility.

Mrs. Dahlke went on to state that by having made these clarifications to the County view of recreational vehicles, staff is in support of the trailer overlay district. The proposed use is permitted in GU zoning and it is in compliance with the comprehensive plan's land use designation of multi-functional corridor. Staff is recommending approval of the applicants' request.

Mrs. Dahlke made it known that the applicants were present in Payson to answer any questions.

Mr. Muhr stated that he was under the impression that these were considered to be tiny homes that would be placed on each lot and asked for clarification from the applicants.

The applicants confirmed that they would be tiny homes.

Mr. Muhr went on to ask if each structure would be made of wood and placed on each lot.

Chairman Nye spoke up and explained the general procedures for the meetings to Mr. Muhr and stated that the commissioners will normally talk amongst themselves regarding the case and then open the discussion up to the public.

Mr. Muhr asked if each of the structures is wooden, are they still considered to be recreation vehicles.

Mr. Buzan took this opportunity to answer Mr. Muhr's question and explained that park models are wooden structures that are on a trailer type frame with axles and tires. They are also limited to be 400 square feet maximum. If they are larger than 400 square feet, they would be classified as manufactured homes and would be regulated by HUD standards. Park models have been classified as recreational vehicles and differ from tiny homes due to the fact that park models are manufactured in a factory whereas tiny homes are built on-site. Mr. Buzan further explains that if a tiny home is on a trailer with axles and is registered with the State it is considered to be a recreational vehicle. He also informed the Commission that park models or any type of recreational vehicles are not regulated by building codes.

Chairman Nye stated that people usually tend to remove the hitch on park models.

Mrs. Myers stated that there is an area in Pine that has park models and that it has been working out very well in the area.

Mr. Muhr proceeded to ask about the electrical and plumbing needed for park models.

Chairman Nye explained to the Commission that the electrical and plumbing situations are the responsibility of the neighbors according to the staff report. He also went on to explain that the responsibility of the Planning and Zoning Commission is to determine zoning as part of a multi-step process to complete a project.

Mrs. Dahlke reiterated that this case involves a Trailer District overlay that accompanies the already existing General Unclassified district to allow the development of the recreational vehicle park.

Mr. Muhr stated that he likes the idea of the recreational vehicle park because it allows the Tonto Basin area to continue to grow.

Mrs. Dahlke informed the commission that staff did not hear from any of the neighboring property owners in opposition or support. She also stated that the applicants held a neighborhood meeting to which three people attended. At the meeting, some concerns were brought up by the people in attendance and answered by the applicants. These concerns and answers are in the staff report.

Mr. Dalton states that he is concerned with the potential for the County Attorney to refuse to sign off on this case when it reaches the Board of Supervisors due to the County's liability. He further explains that if an injury occurs in a park model that has been affixed to the ground and has been used as a permanent residence, there is a potential for a lawsuit to ensue against the owners of the recreational vehicle park and the County due to the fact that the County has endorsed the use of park models in a way that the manufacturers have prohibited. Mr. Dalton explained that it was important to read the manufacturer's regulations. Mr. Dalton also read some information from the Recreation Vehicle Industry Association which stated *"Park model recreation vehicles are designed and built to be used for recreation / camping uses only. They are not meant to be affixed to the property in any way. They are neither designed nor intended by their manufacturers to be used as permanent residences. Park model RVs are titled as motor vehicles by various states, just like other RV types. Park model recreational vehicles are explicitly excluded from being considered or used as manufactured homes under the codes of regulations from the U.S. Department of Housing and Urban Development specifically because they are a type of recreational vehicle. The key distinction is that manufactured homes are single-family dwellings that are designed and built for permanent residency under the standards set by the U.S Department of Housing and Urban Development. Park model RVs are designed and built to be used by families as a recreational camping or seasonal accommodation. Park model recreation vehicles are not intended for, nor should they be used for, anything other*

than recreational camping or seasonal use. They are not permanent residences and should never be used as such. Park model recreational vehicles are not housing." Mr. Dalton explained that because park models tend to look like houses, people want to use them as permanent residences. Although the park model owners can choose to do this, the County needs to make sure that it does not end up in a lawsuit because it endorsed a type of use that is prohibited by the manufacturers. He explains that based on the regulations given by the manufacturers, the County Attorney would refuse to sign off on this case which in turn would make each of the Board of Supervisors personally liable for any litigation that could potentially occur if they were to approve the case without the County Attorney's approval. He states that he believes if this case proceeds forward, the developers need to not allow the RVs to be used for anything that the manufacturers' prohibit.

Chairman Nye asked Mr. Dalton what he would suggest would be sufficient enough for the developers to do in order to meet the County's requirements for this case.

Mr. Dalton suggested that a proviso in the County's resolution of approval that states something along the lines of the use of recreational vehicles will be limited according to the manufacturer's standards.

Mr. Marshall stated that he is aware of other park models in the county that are being lived in year-round and that he was not aware of the manufacturer's recommendations until Mr. Dalton informed the Commission of it.

Mr. Dalton reiterated that the County cannot endorse the use of RVs in a way the manufacturers say they cannot be used because it puts the County in a liability situation. He also stated that if the individual owners want to buy an RV and live in it permanently, then the liability is on themselves. Mr. Dalton stated that his goal is to keep the County from being sued.

Chairman Nye stated that he predicts that the Board of Supervisors will not approve this case without the approval of the County Attorney. Therefore, he suggests that the Commission resolve any issues with this case prior to providing their recommendation to the Board of Supervisors.

Mrs. Griffin asked Mr. Dalton if the RVs were marketed to match the information provided from the Recreation Vehicle Industry Association and a purchaser was to sign a document that the County Attorney's office had reviewed that stated he/she understands the regulations; would that be sufficient? She suggested something similar to a Hold Harmless agreement.

Mr. Dalton answered by stating that such a document might be helpful, but in regard to a Hold Harmless agreement, stated that not a lot of people have many assets that can be held against the County. He stated that such a document might help the purchaser be more committed to uphold the manufacturer's recommendations but wouldn't give the County

any money if a judgment was to happen. He also stated that even though it's the responsibility of the seller of the RVs to inform the purchaser of the RV regulations, it's the County's responsibility to approve the development of the RV park with the stipulation that people cannot be enticed to permanently live there. It cannot be marketed as a permanent place of residency.

Mr. Muhr asked if there was an opportunity for there to be a document in the escrow paper at the time of purchase that states the use of the property is limited to the manufacturer's standards and purposes only with an addendum that states no construction would be allowed on these structures?

Chairman Nye suggested that since the lots in the RV park are being rented, a document that states the regulations might need to be included in the rental agreement that is provided by the landlord.

Mr. Dalton began by addressing Mr. Muhr's question and stated that if the trailer district overlay use is restricted to the uses allowed in the Recreational Vehicle Manufacturing Association it might give the County some enforcement because the inability to follow the restrictions would then be a zoning violation which would be handled by Community Development code enforcement staff.

Chairman Nye stated that the Commission needs to come to an agreement before sending its recommendation to the Board of Supervisors to prevent the case from being denied.

Chairman Nye introduced one of the developers, Michael Middleton, to the Commission. Mr. Middleton was present at the meeting in Payson.

Chairman Nye asked Mr. Middleton if he had any issues with being able to produce any type of documentation that states the requirements for the recreational vehicles.

Mr. Middleton stated that he had no problems with producing those and went on to state that he believes it is a good point to make since neither of the developers thought about it at the time of beginning this process. He believes that it is a great idea in order to limit the liability for everyone involved. Mr. Middleton also went on to explain that at the Citizen Participation Meeting, some concerns were brought up by the people in attendance and these concerns were quickly answered by the developers. One of the concerns was the water supply, to which Mr. Middleton stated that by developing the RV park, the water system would actually be enhanced due to the extra storage capacity that is needed to supply the RV park.

Chairman Nye asked if any of the commissioners had any questions for Mr. Middleton. None of the Commissioners had any questions.

Mr. Buzan made the suggestion to ask Mr. Dalton if he would be willing to write up the motion for the Commission that would be approved by the County Attorney's office.

Mr. Dalton stated that he would need some time to write up a proper motion that would satisfy all requirements and asked the Commission if it would consider tabling the item until the next scheduled Planning and Zoning Commission meeting to present the motion with the proper language.

Chairman Nye asked if tabling the item for 30 days would be sufficient.

Mr. Dalton stated that he could work with Mr. Buzan to write a motion that would meet the County Attorney's approval.

Mr. Marshall made the motion to table Case No. Z-19-03 for 30 days until a proper motion is written that meets the County Attorney's approval.

Mr. Holder second the motion.

The motion unanimously passed.

10. **Adjournment.** Mrs. Myers made a motion to adjourn the meeting and Mr. Holder seconded the motion. The Motion to adjourn was unanimously approved at 10:41 AM.